

ARTICLE XXIII GENERAL PROVISIONS

SECTION 2301. APPLYING GENERAL PROVISIONS. The regulations set forth in this Article qualify or supplement, as the case may be, the zoning district regulations appearing elsewhere in this Ordinance.

SECTION 2302. EXEMPTED USES. This Ordinance shall not prevent, restrict or otherwise regulate the use or occupation of land or improvements for railroad, mining, metallurgical, grazing or general agricultural purposes, if the tract/s concerned is/are 5 or more contiguous commercial acres in size (Note: 1 Commercial acre = 35,000 square feet).^{*1,*22}

- 1) Property is not exempt from the Maricopa County Zoning Ordinance and/or Building Safety Ordinance unless and until the Maricopa Planning and Development Department has issued a certificate of exemption for that property. In order to secure a certificate of exemption, an applicant shall submit a zoning clearance application, including site plan and other reasonable supporting documentation. ^{*32}
- 2) Only property classified by the Maricopa County Assessor's office or the Arizona Department of Revenue as property used for one of the purposes enumerated in the first paragraph of this section is eligible for exemption under this section. If property has been so classified, the property is exempt from the Maricopa County Zoning Ordinance and/or Building Safety Ordinance, unless the Planning and Development Director independently determines that all or part of the property is not used primarily for one or more of the purposes enumerated in the first paragraph of this section. ^{*32}
- 3) Any structures built under an exemption that do not meet the underlying zoning district and/or Building Safety Ordinance standards may be required to comply with said standards if, at a future date, the exemption is no longer applicable. ^{*31}

SECTION 2303. ACCESSORY BUILDINGS AND USES. ^{*17,*22}

- 1) Accessory buildings or uses shall not be constructed or established on a lot until construction of the principal building has been actually commenced or the primary use established. Accessory buildings shall not be used for dwelling purposes, except if specifically approved in a Residential Unit Plan of Development, pursuant to the provisions of Section 2403.10, or if approved for occupancy by caretakers employed on the premises or if occupied pursuant to a Temporary Use Permit. ^{*27*29}
- 2) Detached accessory buildings may be built in the required rear yard but such accessory buildings shall not occupy more than thirty (30%) percent of the required rear yard and shall not be nearer

than three (3) feet to any side or rear lot line or setback line. Should the accessory building be located partially within the required rear yard and partially within the buildable area, that portion within the buildable area shall meet all side yard regulations of the applicable zoning district. In the case of corner lots, accessory buildings shall not be nearer to the street than a distance equal to not less than one-half (1/2) the depth of the required front yard of the corner lot; and when a garage is entered from an alley, it shall not be located nearer than ten (10) feet to the alley line. *11

- 3) Accessory buildings on through lots shall be no nearer to either street than a distance equal to the required front yard of such lot.

SECTION 2304. NUMBER OF PRINCIPAL BUILDINGS ON A LOT. Where a lot is located in a multiple-family residential, commercial or industrial zoning district, more than one (1) principal building may be located on the lot but only when the locations of such buildings conform to all the open space requirements around the lot for the zoning district in which the lot is located. Yard regulations in such case may be applied around the principal buildings as though there were only one principal building on the lot.

SECTION 2305. ADJUSTMENT PERMITTING AN ADDITIONAL DWELLING UNIT. In zoning districts permitting multiple-family dwellings, if an amount of lot area not allocated to a dwelling unit is more than eighty (80%) percent of that required for one dwelling unit, such remaining lot area may be used to satisfy the lot area requirement for an additional dwelling unit.

SECTION 2306. ADDITIONAL LOT AREA AND DIMENSION REGULATIONS.

- 1) Any lot of record existing at the time this Ordinance or amendments thereto become effective, which does not conform with the lot area or width requirements for the zoning district in which it is located may be used for any use permitted in that zoning district provided other applicable regulations of this Ordinance are complied with.
- 2) Any lot, after this Ordinance or amendments thereto become effective, shall not be reduced in any manner below the lot area and dimension requirements of this Ordinance for the zoning district in which it is located, or if a lot is already less than the minimums so required, such lot area or dimension shall not be further reduced.
- 3) Any lot, after this Ordinance or amendments thereto become effective, shall not be reduced or diminished so as to cause the yards, lot coverage or other open spaces to be less than that required by this Ordinance, or to decrease the lot area per dwelling unit except in conformity with this Ordinance.

SECTION 2307. ADDITIONAL YARD AND OPEN SPACE REGULATIONS.

- 1) Required yard or other open space around any existing buildings, or which is hereafter provided around any building for the purpose of complying with this Ordinance shall not be construed as providing a yard or open space for any other building.

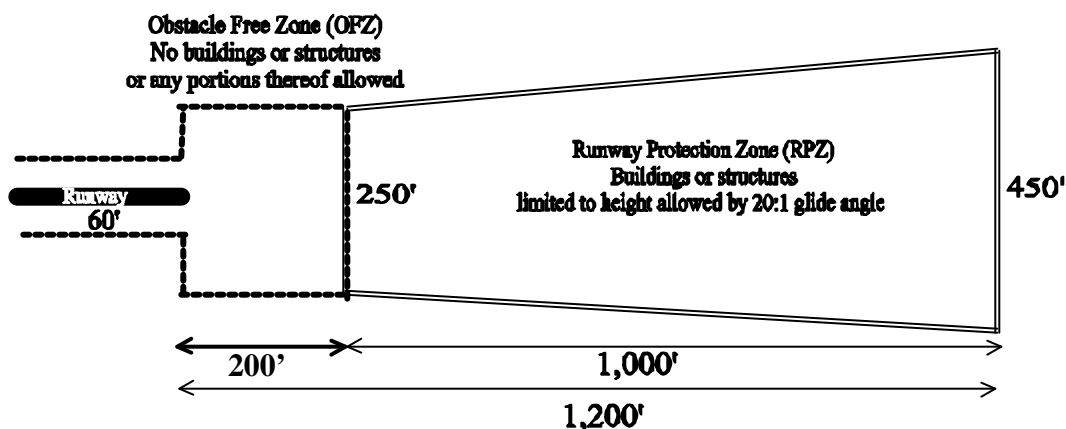
- 2) Every part of a required yard shall be open to the sky, unobstructed, except as enumerated in the following:
 - a) Accessory buildings may locate in the required rear yard subject to applicable regulations elsewhere in this Ordinance.
 - b) Ordinary projections of window sills, cornices, eaves and other ornamental features may project a distance not exceeding two (2) feet into any required yard, except that in the case of accessory buildings in the required rear yard this projection shall not exceed one (1) foot beyond the walls of such accessory buildings.
 - c) Chimneys may project a distance not exceeding two (2) feet into any required yard.
 - d) Fire escapes may project a distance not exceeding five (5) feet into any required yard provided such projection shall be distant at least two (2) feet from any lot line or setback line.
 - e) Bay windows and balconies may project a distance not exceeding three (3) feet into the required front or rear yard, provided that such features shall not occupy, in the aggregate, more than one-third ($1/3$) of the length of the wall of the building on which they are located.
 - f) Uncovered stairs and necessary landings may project a distance not exceeding six (6) feet into the required front or rear yard, provided that such stairs and landings shall not extend above the entrance floor of the building except for a railing not to exceed three (3) feet in height.
 - g) Terraces, patios, platforms and ornamental features which do not extend more than three (3) feet above grade may project into any required yard, provided such features shall be distant at least two (2) feet from any lot line or setback line.
- 3) When an open space is more than fifty (50%) percent surrounded by a building which is two (2) stories or more in height, the minimum width of the open space shall be at least thirty (30) feet for two-story buildings, and forty (40) feet for three-story buildings.
- 4) Side yards for dwelling units erected above other uses conducted in the same building are not required in excess of the side yards that would be required for such building were it not to contain the dwelling units.
- 5) Deleted (average setbacks)*16
- 6) Deleted (average setbacks)*16

- 7) Porches, ramadas or awnings that are open on two or more sides and attached to a mobile home shall be excluded from maximum lot coverage regulations for existing mobile homes that are located in mobile home subdivisions, provided a mobile home subdivision plat in connection therewith has been recorded on or before the effective date of this paragraph and further provided there shall be a minimum distance of ten (10) feet between structures on adjoining lots.*4

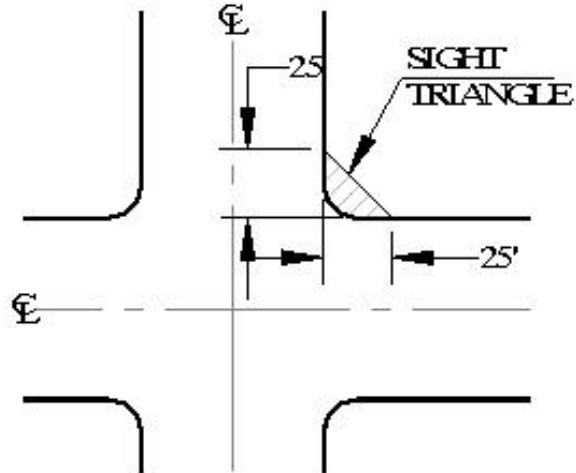
SECTION 2308. ADDITIONAL HEIGHT REGULATIONS.

- 1) Public or public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding sixty (60) feet, and churches may be erected to a height not exceeding seventy-five (75) feet, if the building is set back from each lot line at least one (1) foot for each foot of additional building height above the height limit otherwise permitted in the zoning district in which the building is located.
- 2) Chimneys, church steeples, refrigeration coolers, ventilating fans, elevator bulkheads, fire towers, ornamental towers or spires, and mechanical appurtenances necessary to operate and maintain the building, may be erected to a height not exceeding one hundred (100) feet, if such structure is set back from each lot line at least one (1) foot for each foot of additional height above the height limit otherwise permitted in the zoning district in which the structure is located. The above setbacks are measured from the lot line to the closest point (including overhangs or other projections) on the structures.*17,26,28
- 3) Buildings or structures or any portions thereof, except for navigational aids, shall not be located in the obstacle free zone ("OFZ") which shall be defined as an area which is 60' wide along each side of the edge of the runway of an existing or proposed runway or landing strip and 250' wide centered along the projected runway center line at a distance of 200' from the end or ends of an existing or proposed runway or landing strip where takeoff and landing is either executed or proposed. A runway protection zone ("RPZ") shall be located at the end or ends of the existing or proposed runway or landing strip where takeoff or landing is either executed or proposed which shall be a trapezoidal area which is two hundred feet (200') beyond the ends of the runway and centered along the projected runway centerline. The RPZ shall be one thousand feet (1,000') long. The width of the RPZ closest to the end of the runway or landing strip shall be two hundred and fifty feet (250'). The width of the RPZ furthest from the end of the runway or landing strip shall be four hundred fifty feet (450'). Within the RPZ, buildings or structures or any portions thereof shall not be erected to exceed a height that would interfere with the takeoff or landing of a plane with a glide angle of one foot (1') vertical for every twenty feet (20') horizontal, such glide angle to be computed as beginning at the RPZ boundary which is closest to the end of the runway. The OFZ or RPZ should be located entirely on the same lot or parcel as the runway or landing strip. In any instance where any portion of the OFZ or RPZ of a runway or landing strip extends beyond the lot or parcel of property containing the runway or landing strip, written consent or aviation easements must be obtained from all property owners in which the OFZ or RPZ may wholly or partially lie. The provisions of this paragraph may be

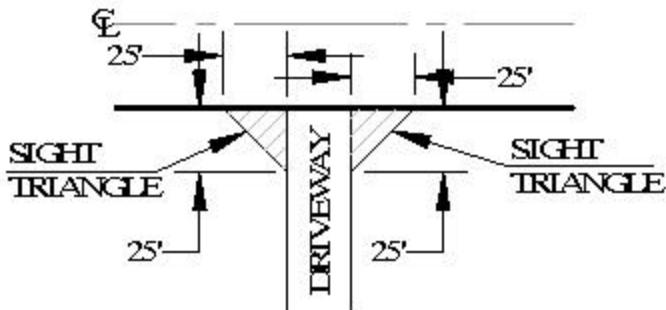
waived for any public or military airport subject to Federal Aviation Administration or Department of Defense requirements.*35



- 4) The following limitations shall apply to corner lots in all zoning districts and to driveways in commercial and industrial zoning districts:
 - a) In all zoning districts no structure, landscaping, fence, wall, terrace or other obstruction to view in excess of two (2) feet in height, measured from the lowest established elevation of the nearest street centerline, shall be placed within the triangle formed by measuring along street-side and/or alley-side property lines a distance of twenty-five (25) feet from their point of intersection and by connecting the ends of the respective twenty-five (25) feet distances. *32



- b) Further, in commercial and industrial zoning districts no structure, landscaping, fence, wall, terrace or other obstruction to view in excess of two (2) feet in height, measured from the established elevation of the nearest street centerline, shall be placed within the triangle formed by measuring along street-side property line and driveway length a distance of twenty-five (25) feet from their point of intersection and by connecting the ends of the respective twenty-five (25) feet distances. *32



- c) Within said triangles, driveways and parking are prohibited. *33

SECTION 2308-A: AMATEUR RADIO ANTENNAS AND ANTENNA SUPPORT STRUCTURES. *28

- 1) Amateur radio antennas and amateur radio antenna support structures shall not exceed a maximum height of 120 feet (inclusive of both the support structure and any attached antennas) in any district.

- 2) Amateur radio antennas and amateur radio antenna support structures shall be located in the rear yard, except in rural zoning districts on sites of five acres or larger where such antennas and support structures may be located anywhere on the buildable area of the lot.
- 3) Amateur radio antennas and amateur radio antenna support structures must meet the yard requirements of primary buildings or structures of the zoning district in which they are located. Such setbacks shall be measured from the lot line to the closest horizontal extension of the antenna support structure or any attachment, including antennas.
- 4) Amateur radio antennas and amateur radio antenna support structures shall be set back an additional one foot (in addition to the yard requirements noted in subsection 3 above) for every one foot in height which the antenna or support structure exceeds the height limitation of the zoning district in which it is located. Such additional setback shall be measured from the lot line to the closest point of the base of the antenna or support structure.
- 5) Guy wire anchors may be installed within a required setback, but shall not be placed within three feet of any lot line, or within any easement, sight distance triangle, runway or landing strip.
- 6) Nothing in this section shall preclude the installation of two amateur radio antenna support structures on any lot in the rural zoning districts, provided the standards of this section are met and there is at least twenty-thousand (20,000) square feet of lot area for each antenna support structure.
- 7) No variances to the standards of this section shall be considered, and any amateur radio antenna or amateur radio antenna support structure requiring a deviation from the standards of this section shall require a Special Use Permit.

SECTION 2309. SETBACK LINES.

- 1) The following setback lines are hereby established:
 - a) Cave Creek Road: One hundred five (105) feet from and on both sides of the centerline of Cave Creek Road; from the northwest corner of the SW1/4, Section 14, T4N, R3E, G&SRB&M, to the southerly line of Section 33, T6N, R4E, G&SRB&M.
 - b) Scottsdale Road: One hundred five (105) feet from and on both sides of the centerline of Scottsdale Road; from the northeast corner of Section 10, T4N, R4E, G&SRB&M, to the southerly line of Section 3, T5N, R4E, G&SRB&M.
 - c) Major Streets, Section Line Roads, State and Federal Highways:

- (1) Seventy-five (75) feet from and on both sides of the centerline of all existing or proposed major streets, section line roads, State and Federal Highways, where service roads are required.
 - (2) Fifty-five (55) feet from and on both sides of the centerline of all existing or proposed major streets, section line roads, State and Federal Highways, where service roads are not required.
 - d) Collector Streets and Mid-Section Line Roads: Forty (40) feet from and on both sides of the centerline of all existing or proposed collector streets and mid-section line roads.
 - e) Local Streets: Twenty-five (25) feet from and on both sides of the centerline of all existing or proposed local streets, except that this requirements shall be increased to thirty (30) feet for local streets abutting properties in multiple-family residential, commercial and industrial zoning districts.
- 2) On any lot wherein a setback line has been established, yards required by the regulations for the zoning district in which such lot is located shall be measured from the setback line. The setback line that includes the future right-of-way shall be enforced unless a written report is received from the County Highway Department stating no future street is recommended along the subject setback line on the subject property.*19
- 3) Buildings or structures hereafter erected, altered or relocated shall not be placed within the aforementioned setback lines. The setback line that includes the future right-of-way shall be enforced unless a written report is received from the County Highway Department stating no future street is recommended along the subject setback line on the subject property.*19

SECTION 2310. PARKING REGULATIONS.^{*20*31}

- 1) There shall be provided parking spaces for each use on a lot based on the following chart:^{*8}

	<u>Use</u>	<u>Minimum Parking Spaces</u>
a)	<u>Residential Uses:</u>	
1)	Mobile Home and Travel Trailer/RV Park	1 per approved space + spaces to meet the needs of any commercial, office or public assembly
2)	Single-family (includes mobile homes on owned lots)	2 per dwelling unit
3)	Multiple-family	2 per dwelling unit ^{1 and 2}
4)	Fraternities and Sororities	1.5 per each sleeping room ²
b)	<u>Public Assembly Uses</u> ² :	

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|----|--|--|
| 1) | Schools, public, private and charter * ₃₁ | 1 per 400 square feet of floor area |
| 2) | All other public assembly uses | 1 per 200 square feet of floor area |
| c) | <u>Hotels, Motels, Guest Ranches and Resort Hotels</u> | 1 per sleeping room + spaces to meet the needs of any commercial, office or public assembly ² |
| d) | <u>Office and Commercial Uses</u> | 1 per 250 square feet of floor area + 1 per 5,000 square feet of outside display area; and + 1 per 100 square feet of outdoor seating area; and + 4 per golf course green ² |
| e) | <u>Industrial, Wholesale and Manufacturing Uses</u> | 1 per 600 square feet of floor area ² |
| f) | <u>Warehouse Uses</u> | 1 per 900 square feet of floor area ² |

¹Twenty percent (20%) of parking spaces shall be reserved for guest parking spaces.

²Five percent (5%) of parking spaces shall be handicapped parking spaces.

- 2) Fractional Measurements Involving Parking Spaces: One (1) additional parking space shall be required if the number of required parking spaces results in a fractional number.
- 3) Location of Required Parking Spaces:^{*18}
 - a) Parking spaces shall be located on the same lot as the use they are intended to serve, or within six hundred (600) feet of the use to be served provided assurances are supplied to the Zoning Administrator that the off-site parking will be continuously available during normal business hours of the use to be served.
 - b) Parking spaces shall be located such that each space has access to the use to be served without crossing a public or private street, or a railroad right-of-way.
- 4) Mixed Uses: The required parking spaces shall be the sum of the required parking spaces for the individual uses.
- 5) Joint Use of Parking Spaces: This Ordinance allows the joint use of parking spaces for two (2) or more buildings or uses if the total spaces equals the spaces required for the individual buildings or uses during their normal hours of operation.

6) Handicapped Parking:

- a) Such spaces shall be located on the shortest accessible route to building entrances.
- b) Such spaces shall show the international handicapped symbol and say "Reserved". Such signs shall be exempted from the Sign Regulations of this Ordinance.
- c) Such space shall have a handicapped symbol painted on the ground to the rear of the parking space.

7) Design Standards for Required Parking Spaces: The following parking space/lot design standards shall be complied with:^{*9-*}¹²

- a) For other than one (1) single-family dwelling unit or one (1) mobile home on a lot of record, any parking area shall be paved.
- b) For one (1) single-family dwelling unit or one (1) mobile home on a lot of record, any parking area must be paved or in the alternative surfaced with ABC material.
- c) Parking spaces, aisles, and driveways shall be so arranged as to require ingress and egress from the lot to a street by forward motion of the vehicle.³
- d) Parking spaces shall be designed so that vehicles exiting therefrom will not be required to back onto or across any sidewalk or street.³
- e) Adjacent to any rural or residential zone parking areas shall be screened from view, except when separated by a public street.³
- f) Any lights used to illuminate parking spaces shall be so arranged and screened as to reflect the light away from adjoining lots in rural or residential districts and from streets or from any residential use in commercial zoned districts. Such lights shall be in accordance with any adopted County Outdoor Lighting Ordinance and shall have a maximum height of eighteen (18) feet.
- g) Parking areas shall be visually screened from abutting road right-of-way (excluding alleys) by a building or structure or a strip of landscaping at least five (5) feet in width.³
- h) Either a wall or a minimum six (6) inch high curb or bumper guard shall be installed to ensure that no part of a parked vehicle shall extend past any property line.³
- i) Parking spaces shall be designated by striping.³

- j) The design of roads, pedestrian walks, and open spaces within parking areas are subject to approval by the Zoning Administrator and shall be arranged so that pedestrians are not unnecessarily exposed to vehicular traffic.³
- k) Paved and comfortably graded pedestrian walks shall be provided along lines of the most intense pedestrian use, particularly from building entrances to streets, parking areas, and adjacent buildings.³
- l) Only one (1) parking area entrance and one (1) parking area exit; or one (1) combined parking area entrance and exit is allowed for a lot or parcel along any one (1) street unless otherwise approved by the County Engineer.

³Requirement applies except for single-family dwellings, two-family dwellings, and individual mobile homes on a lot of record.

- 8) Parking Area Dimensions: Dimensions of parking spaces and access areas shall be in accordance with the following:^{*34}

SEE PARKING LAYOUT GRAPHIC

- 9) Additional Parking Regulations: In addition to the above parking requirements, the following requirements must be met:
 - a) No Zoning Clearance shall be issued unless the required parking as indicated in this section is provided.
 - b) Whenever a Zoning Clearance has been granted, the subsequent use of the property is conditioned upon the provision of the parking spaces contained in the approved plans.
 - c) No addition or enlargement of an existing building or use shall be permitted unless the parking requirements of this Ordinance are met for the entire building or use.
 - d) The parking or storage of a non-accessory vehicle except for normal deliveries having a gross vehicle weight greater than 10,000 lbs. on any lot in any rural or residential zoning district is prohibited. ^{*24}

- e) Not more than one (1) unregistered or inoperable motor vehicle shall be stored on any lot or parcel of land within any rural or residential zoning district, and such unregistered or inoperable vehicle shall be stored such that it cannot be seen from any public or private street right-of-way.
- f) The use of any required parking area for motor vehicle repair work, or display, or sales of any kind is prohibited, and any required parking area shall be available for customer, patron, and employee parking at all time during normal business hours.
- g) Parking structures which have no portion above grade shall not be included in the calculation of lot coverage for the site.
- h) Off-street parking provided for employees of office or commercial or industrial uses requiring fifty (50) or more spaces shall designate at least ten percent (10%) of the total number of parking spaces for use by car and/or van pools, and be clearly signed, reserved, and managed to that end.
- i) Off-street parking provided for employees of office or commercial or industrial uses requiring one hundred (100) or more spaces shall designate at least fifteen percent (15%) of the total number of parking spaces for use by car and/or van pools and be clearly signed, reserved, and managed to that end; and shall design and construct convenient facilities in order to secure bicycles; and shall design and provide for needed transit facilities, such as, but not limited to, park and ride parking spaces and transit stops and shelters as determined by the Regional Public Transit Authority; and shall provide to the Maricopa County Trip Reduction Office, plans and programs to reduce total vehicle trips in conformance with the State of Arizona and Maricopa County goals, policies, regulations, and plans.
- j) For those large scale developments that include one or more regulation golf courses and which propose to use golf carts to meet some of the transportation needs, one (1) of the two (2) required parking spaces for single-family and multiple-family dwellings may be a golf cart parking space. Such golf cart parking space shall be a maximum size of six (6) feet in width and twelve (12) feet in depth and shall not be used for any purpose other than golf cart parking. Up to ten percent (10%) of the required parking spaces at regulation golf courses in the above large scale developments may be golf cart parking spaces.

SECTION 2311. LOADING AND UNLOADING REGULATIONS.

- 1) Loading and Unloading for Commercial Buildings: For all commercial buildings hereafter erected, or for any building converted to such use or occupancy, there shall be provided one (1) loading and unloading space for each twenty-five thousand (25,000) square feet of floor area, or fraction thereof, devoted to such use in the building.

- 2) Loading and Unloading for Wholesale, Manufacturing and Industrial Buildings: For all wholesale, manufacturing and industrial buildings hereafter erected, or for any building converted to such use or occupancy, there shall be provided one (1) loading and unloading space for each ten thousand (10,000) square feet of floor area, or fraction thereof, devoted to such use in the building.
- 3) Location of Required Loading and Unloading Spaces: The required loading and unloading spaces shall in all cases be on the same lot as the use they are intended to serve. In no case shall required loading and unloading spaces be part of the area used to satisfy the parking requirement.
- 4) Collective Action Relative to Loading and Unloading: This Ordinance shall not be construed to prevent the joint use of loading and unloading spaces for two (2) or more buildings or used if the total of such spaces when used together is not less than the sum of the spaces required for the various individual buildings or uses computed separately.
- 5) Mixed Uses: In the case of mixed uses, the required loading and unloading spaces shall be the sum of the required loading and unloading spaces for the various uses computed separately, and such spaces for one use shall not be considered as providing required loading and unloading for any other use.

SECTION 2312. ADDITIONAL SIGN REGULATIONS.

- 1) The sign area shall be the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. The supports or uprights on which the sign is supported shall not be included in determining the area of the sign.
- 2) When the two faces of a double-faced sign have identical dimensions and the maximum distance between these two faces does not exceed fifty-four (54) inches, the area of a double-faced sign shall include only one of the faces, except as otherwise provided herein.*8
- 3) Signs projecting or extending over streets shall be erected not less than eight (8) feet above any part of the sidewalk of such street. The projection or extension of signs over the vehicular lanes of streets shall not be permitted. Signs projecting or extending over alleys shall be not less than fifteen (15) feet above grade directly beneath such sign.

SECTION 2313. DELETED 2-20-94

SECTION 2314. LOCATION OF MOBILE HOMES, TRAVEL TRAILERS, AIRCRAFT, BOATS, CAMPING TRAILERS, TRUCK CAMPERS AND MOTOR HOMES. The location of

mobile homes and travel trailers outside of mobile home parks, travel trailer parks and mobile home subdivisions, and the location of aircraft, boats, camping trailers, truck campers and motor homes shall be subject to the following.*22

- 1) At no time shall the mobile home, travel trailer, aircraft, boat, camping trailer, truck camper or motor home be occupied or used for living, sleeping or housekeeping purposes, except as provided below.*3-*5-*17
 - a) Mobile homes and travel trailers intended for non-residential use shall be subject to securing a Temporary Use Permit; provided that mobile homes used for quarters for on duty personnel in connection with publicly or privately owned or operated fire stations shall be considered to be a non-residential use in any zoning district and be subject to securing a Temporary Use Permit.*5-*22
 - b) If a travel trailer, aircraft, boat, camping trailer, truck camper or motor home is located or stored outside of a garage or carport it shall be placed in the rear yard of the lot, except that placement in other than the rear yard for loading and unloading purposes may be permitted for a period of time not to exceed seventy-two (72) hours.*5-*22

SECTION 2315. LOTS DIVIDED BY ZONING DISTRICT BOUNDARIES. Whenever a lot of record existing at the effective date of this Ordinance or any applicable subsequent amendment thereto is divided by a zoning district boundary, the regulations applicable to the zoning district in which fifty (50%) percent or more of the lot area of such lot is located may apply to the entire area of such lot, provided that the greatest distance from said zoning district boundary to any lot line of such lot in the zoning district in which less than fifty (50%) percent of its area is located shall not exceed twenty-five (25) feet. Such distance shall be measured perpendicular to said zoning district boundary.

SECTION 2316. LIMITATION OF THE ZONING CLEARANCE. A Zoning Clearance shall not be issued for any building or structure on any lot or parcel unless the owner of the subject lot or parcel guarantees access to Maricopa County personnel and appropriate emergency service providers for the purposes of building inspections, zoning enforcement and the provision of emergency services and any and all public utilities servicing the site. An owner or his agent, by signing an application for a building permit, guarantees such access.*2-*6 *30

SECTION 2317. MOBILE HOME PARK DEVELOPMENT STANDARDS.*15

- 1) Each mobile home space shall have an area of not less than three thousand (3,000) square feet and an average width of not less than forty-four (44) feet.
- 2) Travel trailers or manufactured homes may be located on mobile home spaces but the minimum setbacks required of mobile homes shall be provided, and the appropriate sections of County plumbing and health codes must be complied with.*25

- 3) Mobile homes, travel trailers, manufactured homes or detached accessory structures shall be located on mobile home spaces so as to provide a minimum setback from any mobile home space boundary, including boundaries in common with the edge of any interior drive or roadway, of not less than five (5) feet, unless otherwise specified herein. Each mobile home or travel trailer shall set back from lot lines or required park screening a distance of not less than ten (10) feet.
- 4) The minimum distance between mobile homes, travel trailers, manufactured homes or detached accessory structures, and the minimum distance between mobile homes or travel trailers and buildings in the same mobile home park shall be ten (10) feet, unless otherwise specified herein.*25
- 5) A mobile home park shall provide a minimum ten (10) foot clear unobstructed area from front lot lines and a minimum ten (10) foot clear unobstructed area from street side lot lines. These areas shall be provided with appropriate landscaping, including necessary water maintenance facilities. These clear unobstructed areas shall not be utilized in determining space boundaries, dimensions or setbacks.
- 6) Service buildings to house toilet, bathing and other sanitation facilities and utilities shall be provided as required by the Maricopa County Health Department.
- 7) Street improvements to Maricopa County streets standards for any public roads bounding the mobile home park shall be made as required by the Maricopa County Highway Department at the time of development of the park.
- 8) Provision for on-site storm water retention/drainage and off-site storm water drainage both entering and leaving the property shall be as required by the Maricopa County Department of Planning and Development and the Flood Control District.
- 9) Each mobile home park shall provide fire protection facilities as required in the Uniform Fire Code.
- 10) Minimum distance or setbacks required herein shall be the shortest of horizontal dimensions measured from the nearest portion of the side wall of a mobile home, manufactured home or travel trailer, or from any attached patio cover, carport, cabana, ramada or similar appurtenances. Detached accessory storage structures containing a maximum area of one hundred (100) square feet and located in the rear one-third (1/3) of a mobile home space shall not be included in these distance or setback requirements, unless the mobile home space is adjacent to a lot line, in which case the minimum distances or setbacks shall apply. No accessory storage structure shall be located so as to limit access to utility compartments and services.*24

- 11) All interior drives or roadways within the mobile home park shall be a minimum width of twenty-six (26) feet, exclusive of curbs and walkways, measured from edge of pavement to edge of pavement. The interior drives or roadways shall be paved with a minimum of two (2) inches of asphalt over four (4) inches of A.B.C. or its equivalent.
- 12) The mobile home park shall be permanently screened from surrounding lots by a solid fence, wall, or suitable planting, six (6) feet in height.
- 13) The height, yard, and intensity of use regulations of the R1-6 Zoning District shall apply to buildings located in mobile home parks but not to the mobile homes or travel trailers or detached accessory buildings containing a maximum area of one hundred (100) square feet located in the rear one-third (1/3) of a mobile home space.
- 14) No zoning clearance for the location of a mobile home or travel trailer on individual mobile home spaces shall be issued until such time as the requirements for mobile home park development as listed herein have been certified as being completed, in accordance with the approved plan of development, by a licensed engineer.
- 15) Mobile home subdivision lots shall not be utilized for mobile home park purposes.
- 16) Access to all mobile home spaces shall be from the interior of the park. There shall be no individual access to any mobile home space from a public street.
- 17) In mobile home parks which contain ten (10) or more mobile home spaces, there shall be provided a minimum of one hundred (100) square feet of recreational open space and/or recreational facilities for each mobile home space. Public or private streets, vehicle storage areas and exterior boundary landscaping areas shall not be included in calculating recreational open space.
- 18) Signs identifying mobile home parks shall be subject to the following standards:
 - a) Such sign shall not exceed twenty-four (24) square feet in area.
 - b) Such sign may be double-faced.
 - c) Such sign may be illuminated but the source of illumination shall not be visible, and no flashing or intermittent illumination shall be employed.
 - d) Such sign may be placed flat against a wall of a building or such sign may be freestanding, but placement against a wall of a building shall be no higher than twelve (12) feet above grade not above the roof line. The height of a freestanding sign shall not exceed twelve (12) feet above grade.

- e) Such sign may be located in or projected into required yards but such sign shall not be located in or projected into any street or alley.
 - f) Such sign shall contain no advertising copy.
 - g) Such sign shall be located on the property to which it pertains, and the number shall be limited to one (1) for each street frontage on which the mobile home park has a major access entrance.
- 19) The parking regulations for mobile home parks are as provided in Section 2310 hereof. (Note: Parking Standard 2310 has been amended.)
- 20) Any outdoor mobile home park lighting shall be placed so as to reflect light away from adjoining rural or residential zoning district and shall be in accordance with any adopted County Outdoor Lighting Ordinance.
- 21) Mobile home parks that have been developed prior to the effective date of this Ordinance shall be permitted to meet the Zoning Ordinance setback requirements for mobile home parks in effect at the time of their development.

SECTION 2318. OUTDOOR LIGHT CONTROL PROVISIONS.*13

- 1) Purpose: These provisions are intended to control the use of outdoor artificial illuminating devices emitting rays into the night sky which have a detrimental effect on astronomical observations. It is the intention of this Ordinance to encourage good lighting practices such that lighting systems are designed to conserve energy and money, while increasing nighttime safety, utility, security and productivity.
- 2) Conformance With Applicable Codes:
- a) All outdoor artificial illuminating devices shall be installed in conformance with the provisions of this section and any building code now in effect or which may hereafter be enacted, as applicable.
 - b) Where any provisions of the Arizona State Statutes, or any Federal law, or any companion Ordinance conflicts with the requirements of this outdoor light control provision, the most restrictive shall govern.
 - c) The provisions of this section are not intended to prevent the use of any material or method of installation not specifically prescribed by this Ordinance.

- d) As new lighting technology develops which is useful in reducing light above the horizontal, consideration shall be given to use of state of the art technology in keeping with the intent of the Ordinance.

3) Definitions:

- a) Outdoor Light Fixtures: Outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot or flood lights for:
 - (1) Building and structures.
 - (2) Recreational areas.
 - (3) Parking lot lighting.
 - (4) Landscape lighting.
 - (5) Billboards and other signage (advertising or other).
 - (6) Street lighting.
- b) Approved Bottom-Mounted Outdoor Advertising Fixture(s): An approved fixture design shall mean a system of lighting which is installed at the lower portion of an outdoor advertising sign board and consists of no more than four (4) individual fixtures (or lamps) per sign face; produces a maximum of forty thousand (40,000) lumens per fixture; and spills or casts beyond the sign face no more than one thousand seventeen (1,017) lumens per fixture.*14
- c) Individual: Shall mean any private individual, tenant, lessee, owner or any commercial entity, including but not limited to companies, partnerships, joint ventures or corporations.*14
- d) Installed: Shall mean the initial installation of outdoor light fixtures defined herein following the effective date of this Ordinance, but shall not apply to those outdoor light fixtures installed prior to such date, except as provided in Section 2318.6a.*14

4) General Requirements:

- a) Shielding: All exterior illuminating devices, except those exempt from this Ordinance and those regulated by Section 2318.5c, shall be fully or partially shielded as required in Section 2318.4c.

- (1) "Fully Shielded" shall mean that those fixtures so designated shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point of the fixture where light is emitted.
- (2) "Partially Shielded" shall mean that those fixtures so designated shall conform to the classification of "Cutoff", defined as follows:

A luminaire light distribution is designated as cutoff when the candle-power per 1,000 lamp lumens does not numerically exceed twenty-five (25) (two and one-half percent) at an angle of ninety (90) degrees above Nadir (horizontal), and one hundred (100) (ten percent) at a vertical angle of eighty (80) degrees above Nadir. This applies to any lateral angle around the luminaire.

- b) Filtration: Those outdoor light fixtures requiring a filter in Section 2318.4c shall have glass, acrylic or translucent enclosures (Quartz Glass does not meet this requirement).
- c) Requirements for Shielding and Filtering: The requirements for shielding and filtering light emissions from outdoor light fixtures shall be as set forth in the following table:

<u>FIXTURE LAMP TYPE</u>	<u>SHIELDED</u>	<u>FILTERED</u>
LOW PRESSURE SODIUM ¹	NONE	NONE
HIGH PRESSURE SODIUM	FULLY	NONE
METAL HALIDE ⁵	FULLY	YES
FLUORESCENT ⁷	FULLY ⁴	YES ²
QUARTZ ³	FULLY	NONE
INCANDESCENT GREATER THAN 150 WATTS	FULLY	NONE
INCANDESCENT, 150 WATTS OR LESS	NONE	NONE
MERCURY VAPOR	FULLY ⁶	YES ⁶
FOSSIL FUEL	NONE	NONE
GLASS TUBES FILLED WITH NEON, ARGON, AND KRYPTON	NONE	NONE
OTHER SOURCES	AS APPROVED BY THE ZONING INSPECTOR	

Footnotes:

1. *This is the preferred light source to minimize undesirable light into the night sky affecting astronomical observations.*
2. *Warm white and natural lamps are preferred to minimize detrimental effects.*

3. *For the purposes of this ordinance, quartz lamps shall not be considered an incandescent light source.*
 4. *Outdoor advertising signs of the type constructed of translucent material and wholly illuminated from within do not require shielding.*
 5. *Metal Halide display lighting shall not be used for security lighting after 11:00 p.m. (or after closing hours if before 11:00 p.m.) unless fully shielded. Metal Halide lamps shall be in enclosed luminaries.*
 6. *Recommended for existing fixtures. The installation of Mercury Vapor Fixtures is prohibited effective ninety (90) days after the date of adoption of this Ordinance.*
 7. *Outdoor advertising signs may use fluorescent fixtures. These fixtures must be mounted at the top of the sign structure and may be partially shielded, but not filtered.*
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5) Prohibition:

- a) Searchlights: The operation of searchlights for advertising purposes is prohibited between the hours of 11:00 p.m. and sunrise.
- b) Recreational Facilities: No outdoor recreational facility, public or private, shall be illuminated by non-conforming means after 11:00 p.m., except to conclude specific recreational or sporting event or any other activity conducted at a ball park, outdoor amphitheater, arena, or similar facility in progress prior to 11:00 p.m.
- c) Outdoor Building or Landscaping Illumination: The unshielded outdoor illumination of any building, landscaping, signing or other purpose is prohibited, except with incandescent fixtures of 150 Watts or less, or low pressure sodium fixtures.
- d) Mercury Vapor: The installation of Mercury Vapor fixtures is prohibited effective ninety (90) days after the date of adoption of this Ordinance.

6) Permanent Exemptions:

- a) Non-Conforming Fixtures: All outdoor light fixtures installed prior to January 1, 1985, that are equipped with a permanent automatic shut-off device may remain unchanged, except that the subject light fixtures shall not be operated between the hours of 11:00 p.m. and sunrise. All outdoor light fixtures installed prior to January 1, 1985, that are not equipped with an automatic shut-off device may remain unchanged. With respect to all outdoor light fixtures

installed prior to January 1, 1985, whether with an automatic shut-off device or not, there shall be no change in use, replacement, structural alteration, or restoration after discontinuance of use for a period of twelve (12) consecutive months, unless it thereafter conforms to the provisions of these regulations.

- b) Fossil Fuel Light: Produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels.

7) Other Exemptions from Outdoor Lighting Provisions:*¹⁴

- a) Bottom-Mounted Outdoor Advertising Lighting: Outdoor advertising sign boards which exceed three hundred one (301) square feet per sign face and consist of panels which are designed to be removed from the top of the sign board are exempt from the provisions of this Ordinance if illuminated by an approved bottom-mounted outdoor advertising fixture equipped with an automatic device which shuts off the fixture between midnight and sunrise.
- b) Low Intensity Fixtures: Any outdoor lighting fixture which has a maximum candle power of less than one thousand (1,000) candelas is exempt from these provisions, if equipped with an automatic device which shuts off the fixture between the hours of midnight and sunrise.

8) Procedures for Ordinance compliance:*¹⁴

a) Applications:

- (1) Any individual applying for a Zoning Clearance and intending to install outdoor lighting fixtures shall, as a part of said application, submit evidence that the proposed work will comply with provisions in this ordinance.
- (2) Utility companies providing a notarized affidavit in which they agree to comply with the provisions of these regulations shall be exempt from applying for and obtaining a permit for the installation of outdoor light fixtures, including residential security lighting.

- b) Contents of Application or Submission: The submission shall contain, but shall not necessarily be limited to the following, all or part of which may be part of or in addition to the information required elsewhere in the zoning regulations upon application for the required permit:

- (1) Plans indicating the location on the premises, the type of illuminating devices, fixtures, lamps, supports and other devices, etc.

- (2) Description of the illuminating devices, fixtures, lamps, supports and other devices, etc. This description may include, but is not limited to, manufacturers' catalog cuts and/or drawings (including sections where required).
- (3) The above required plans and descriptions shall be sufficiently complete to enable the Zoning Inspector to readily determine whether compliance with the requirements of this Ordinance will be secured. If such plans and descriptions cannot enable this ready determination by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall submit evidence of compliance by certified test reports as performed by a recognized testing lab.

SECTION 2319. DRAINAGE PROVISIONS. Provisions for on-site storm water retention/drainage and off-site storm water drainage both entering and leaving the property shall be as required by the Maricopa County Department of Planning and Development and Flood Control District for all two-family, multiple-family, commercial, and industrial zoning districts, as well as special uses and unit plans of development.*15

Procedures for obtaining approval shall be adopted by the Maricopa County Board of Supervisors upon recommendation of the Planning and Zoning Commission.

SECTION 2320. DELETED 2-20-94

Dates of Revisions/Additions
Article XXIII

- *¹ Revised 7-17-72
- *² Added 12-30-74
- *³ Revised 8-11-75
- *⁴ Added 3-22-76
- *⁵ Revised 1-3-77
- **⁵ Added 1-3-77
- *⁶ Revised 10-3-77
- *⁷ Revised 5-30-79
- *⁸ Revised 10-1-79
- *⁹ Revised 5-11-81
- *¹⁰ Revised 5-17-82
- *¹¹ Revised 3-21-83
- *¹² Revised 8-15-83
- *¹³ Added 4-2-84
- *¹⁴ Added 10-29-84
- **¹⁴ Renumbered 10-29-84
- *¹⁵ Revised 1-7-85
- **¹⁵ Added 1-7-85
- *¹⁶ Deleted 2-4-85
- *¹⁷ Revised 4-1-85
- *¹⁸ Revised 8-5-85 Effective 1-1-86
- *¹⁹ Revised 2-6-89
- *²⁰ Revised 4-3-91
- *²¹ Added 4-15-93
- *²² Revised 2-20-94
- *²³ Revised 3-5-94
- *²⁴ Revised 5-6-94
- *²⁵ Revised 7-23-94
- *²⁶ Effective 6-13-97
- *²⁷ Effective 10-10-97
- *²⁸ Effective 1-17-98
- *²⁹ Effective 5-16-98
- *³⁰ Effective 6-7-98
- *³¹ Effective 11-19-99
- *³² Effective 2-4-00
- *³³ Effective 2-4-00
- *³⁴ Correction 2-25-00
- *³⁵ Effective 9-7-01